

McCARTER & ENGLISH, LLP  
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Attorneys for Victory Wholesale Grocers

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U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
MAR 05 2008  
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MONSANTO COMPANY and THE NUTRASWEET COMPANY,	:	CASE NO. C-1-99-371
Plaintiffs,	:	U.S. District Court
vs.	:	Southern District of Ohio
	:	Western Division
VICTORY WHOLESALE GROCERS, et al.,	:	Judge Weber
Defendants.	:	Magistrate Judge Hogan
	:	<b>NOTICE OF MOTION TO QUASH SUBPOENA</b>
	:	<b>Hearing Date:</b>

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SIFTON

TO: RODNEY A. BROWN, ESQ.  
The Brown Law Group, P.C.  
Two Grand Central Tower, #25  
140 East 45<sup>th</sup> Street  
New York, NY 10017  
Attorneys for Plaintiffs

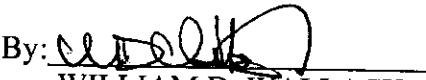
GEOFFREY POTTER, ESQ.  
Kramer Levin Naftalis & Frankel, LLP  
1177 Avenue of the Americas  
New York, NY 10036

SIRS:

PLEASE TAKE NOTICE that on such date and location set by the Court, the undersigned attorneys for Victory Wholesale Grocers will apply to the United States District Court for the Eastern District of New York, for an Order (1) quashing Monsanto Company's Subpoena issued to Kramer Levin Naftalis & Frankel, LLP, and (2) for such other relief as the Court may be deem appropriate.

PLEASE TAKE FURTHER NOTICE that in support thereof, the undersigned shall rely on the accompanying Memorandum of Law and Certification of William D. Wallach. Oral argument is requested.

McCARTER & ENGLISH, LLP  
Attorneys for Victory Wholesale  
Grocers

By:   
WILLIAM D. WALLACH  
A Member of the Firm

Dated: March 5, 2008